

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:12CR310
)	
Plaintiff,)	
)	
vs.)	TENTATIVE FINDINGS
)	
AHMAD HASSAN,)	
)	
Defendant.)	

The Court has received the Revised Presentence Investigation Report and Addendum (“PSR”), and the parties' objections (Filing Nos. 63 and 64). The Defendant has filed two motions for variance (Filing Nos. 65 and 66). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

1. The objections contained in Defendant's Statement of Position - Sentencing Objections (Filing No. 64) and the Government's Objection to Revised Presentence Investigation Report and Plaintiff's Statement (Filing No. 63) as they relate to the Defendant being in possession of a mixture or substance containing methamphetamine rather than actual methamphetamine (paragraphs 14, 22, 27, 30, and 80) are granted. The Defendant's objection to paragraph 48 will be denied, as it has no effect on the Defendant's sentencing guideline. Defendant's objection regarding the absence of a minor role reduction will be heard at the sentencing hearing;

2. The Court intends to adopt the PSR in all other respects;

3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 2 of this Order, these tentative findings are final;

5. The Defendant's Motions for Variance from Guidelines (Filing Nos. 65 and 66) will be heard at sentencing; and

6. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 18th day of April, 2013.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge